

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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In Re ACCLAIM ENTERTAINMENT, INC.  
Securities Litigation

JERRY PURVIS, on behalf of himself  
and all others similarly situated,  
PENN CAPITAL MANAGEMENT, ROBERT L.  
MANARD, and STEVE RUSSO,

Plaintiffs,

-against-

MEMORANDUM AND ORDER  
03-CV-1270 (JS) (ETB)

GREGORY FISCHBACH, EDMOND SANCTIS,  
JAMES SCOROPOSKI, GERARD AGOGLIA,  
and KPMG, LLP,

Defendants.

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APPEARANCES:

For Plaintiffs:

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Currently pending before this Court is Plaintiffs' motion to amend filed on November 28, 2005. Plaintiffs seek to amend this Court's previous Order, dated February 14, 2005, certifying this case as a class action. Pursuant to Rule 73 of the Federal Rules of Civil Procedure and Rule 72.2 of the Local Civil Rules for the Eastern District of New York, the Court hereby refers Plaintiffs' motion to amend to Magistrate Judge E. Thomas Boyle to report and recommend how the Court should dispose of Plaintiffs' motion.

**COUNSEL IS DIRECTED TO IMMEDIATELY NOTIFY  
ALL PARTIES OF THIS ORDER**

Dated: Central Islip, New York  
April 3, 2006

SO ORDERED.

/s/ JOANNA SEYBERT

Joanna Seybert // U.S.D.J.